

ORDINANCE NO. 85

AN ORDINANCE OF THE CITY OF PATTISON, TEXAS, EXTENDING THE SUBDIVISION REGULATIONS INTO THE CITY'S EXTRATERRITORIAL JURISDICTION; AMENDING ORDINANCE NO. 85, ADOPTING SUBCHAPTER B, CHAPTER 212 OF THE TEXAS LOCAL GOVERNMENT CODE WHICH ALLOWS FOR THE REQUIREMENT OF DEVELOPMENT PLATS IN THE CITY AND WITHIN ITS EXTRATERRITORIAL JURISDICTION; PROVIDING FOR SEVERABILITY; PROVIDING A PENALTY; AND PROVIDING FOR AN EFFECTIVE DATE, PUBLISHING AND POSTING

WHEREAS, the Board of Aldermen of the City of Pattison, Texas seeks to provide for the orderly development of land and use of property within its corporate limits and its extra territorial jurisdiction; and

WHEREAS, the Board of Aldermen seeks to maintain the value of Pattison's scenic and natural resources, which are the keystones of the City's economic strength and quality of life through a comprehensive regulatory program that includes a subdivision ordinance; and

WHEREAS, the Board of Aldermen is authorized to regulate subdivision in its corporate limits and its extra territorial jurisdiction (ETJ) by virtue of the Texas Constitution, the City's police power and by the Texas Local Government Code, Chapters 212.212.00 (3)a; and

WHEREAS, the intent of Pattison's Subdivision Ordinance is for it to apply in its entirety in the whole of the municipality's corporate limits and its ETJ.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF PATTISON, TEXAS, THAT:

THIS ORDINANCE IS HEREBY ADOPTED AS AN AMENDMENT TO THE SUBDIVISION ORDINANCE OF THE CITY OF PATTISON, TEXAS, AND SHALL READ AS FOLLOWS:

I.

A. GENERAL PROVISIONS

Section 1.1: Authority; Extension to Extraterritorial Jurisdiction

1.1

a. This Ordinance is adopted under the authority of the Constitution and laws of the State of Texas, including Chapter 212, Texas Local Government Code.

b. The following rules and regulations are hereby adopted as an Amendment to the Subdivision

Ordinance of the City of Pattison, Texas, Texas, also referred to herein as "this Ordinance". The Board of Aldermen hereby extends the application of this Ordinance to the extraterritorial jurisdiction of the City of Pattison, Texas, as that area may exist from time to time in accordance with Chapter 42 of the Texas Local Government Code. This Ordinance shall be applicable to the filing of plats and the subdivision of land, as that term is defined herein and in Chapter 212 of the Texas Local Government Code, within the corporate limits of the City of Pattison and its extraterritorial jurisdiction as they may be from time to time adjusted by annexation or disannexation. The City shall have all remedies and rights provided by said Chapter 212 with regard to the control and approval of subdivisions and plats both within the City and within its extraterritorial jurisdiction.

Section 1.2: Interpretation and Purpose

1.2 In the interpretation and application of the provisions of this Ordinance, it is the intention of the Board of Aldermen that the principles, standards and requirements provided for herein shall be minimum requirements for the platting and developing of subdivisions within the City of Pattison, Texas and its extraterritorial jurisdiction.

The subdivision (i.e., platting) of land is the first step in the process of development. The distribution and relationship of residential, nonresidential and agricultural uses throughout the community, along with the system of improvements for thoroughfares, utilities, public facilities and community amenities, determine, in large measure, the quality of life enjoyed by the residents of the City. Health, safety, economy, amenities, environmental sensitivity, and convenience are all factors which influence and determine a community's quality of life and overall character. A community's quality of life is of the public interest. Consequently, the subdivision of land, as it affects a community's quality of life, is an activity where regulation is a valid function of municipal government. The regulations contained herein are intended to encourage the development of a quality municipal environment by establishing standards for the provision of adequate light, air, open space, storm water drainage, transportation, public utilities and facilities, and other needs necessary for ensuring the creation and continuance of a healthy, attractive, safe and efficient community that provides for the conservation, enhancement and protection of its human and natural resources. Through the application of these regulations, the interests of the public, as well as those of public and private parties, both present and future, having interest in property affected by this Ordinance, are protected by the granting of certain rights and privileges. By establishing a fair and rational procedure for developing land, the requirements in this Ordinance further the possibility that land will be developed for its most beneficial use in accordance with existing social, economic and environmental conditions.

The procedure and standards for the development, layout and design of subdivisions of land within the corporate limits and extraterritorial jurisdiction of the City of Pattison, Texas, Texas are intended to:

- a. Promote the development and the utilization of land in a manner that assures an attractive and high

quality community environment in accordance with the Comprehensive Plan of the City of Pattison, Texas;

b. Guide and assist property owners and applicants in the correct procedures to be followed, and to inform them of the standards which shall be required;

c. Protect the public interest by imposing standards for the location, design, class and type of streets, walkways (sidewalks), alleys, utilities and essential public services;

d. Assist orderly, efficient and coordinated development within the City's limits and its extraterritorial jurisdiction;

e. Provide neighborhood conservation and prevent the development of slums and blight;

f. Integrate the development of various tracts of land into the existing community, and coordinate the future development of adjoining tracts;

g. Provide that the cost of improvements to minimum standards which primarily benefit the tract of land being developed be borne by the owners or developers of the tract, and that the cost of improvements to minimum standards which primarily benefit the whole community be borne by the whole community as contained in this Ordinance;

h. Ensure the most efficient and beneficial provision of public facilities and services for each tract being subdivided;

i. Provide for compatible relationships between land uses and buildings; provide for the circulation of traffic throughout the municipality, having particular regard to the avoidance of congestion in the streets and highways; provide for pedestrian circulation that is appropriate for the various uses of land and buildings; and provide the proper location and width of streets;

j. Prevent pollution of the air, streams and bodies of water; assure the adequacy of drainage facilities; safeguard both surface and groundwater supplies, as well as natural resources and endangered or threatened plant and animal life; and encourage the wise use and management of natural resources throughout the municipality in order to preserve the integrity, stability and beauty of the community and the value of the land;

k. Preserve the natural beauty and topography of the municipality, and ensure development that is appropriate with regard to these natural features;

l. Establish adequate and accurate records of land subdivision;

m. Ensure that public or private facilities are available and will have sufficient capacity to serve proposed and future developments and citizens within the City and its extraterritorial jurisdiction;

- n. Protect and provide for the public health, safety and general welfare of the community;
- o. Provide for adequate light, air and privacy; secure safety from fire, flood and other danger; and prevent overcrowding of the land and undue congestion of population;
- p. Protect the character and the social and economic stability of all parts of the community, and encourage the orderly and beneficial development of all parts of the community;
- q. Protect and conserve the value of land throughout the community and the value of buildings and improvements upon the land, and minimize conflicts among the uses of land and buildings;
- r. Guide public and private policy and action in providing adequate and efficient transportation systems, public utilities, and other public amenities and facilities; and
- s. Encourage the development of a stable, prospering economic environment.

Minimum standards for development are contained in the City's Building Code, and other applicable Ordinances, and in this Ordinance. However, the Comprehensive Plan (including the Future Land Use Plan and other related plans now existing or as they may be hereafter adopted) contain policies designed to achieve an optimum quality of development in Pattison and its extraterritorial jurisdiction. If only the minimum standards are followed, as expressed by the various ordinances regulating land development, a standardization of development will occur. This will produce a monotonous municipal setting and physical environment within the community. Subdivision design shall be of a quality that will carry out the purpose and spirit of the policies expressed within the Comprehensive Plan and within this Ordinance, and shall be encouraged to exceed the minimum standards required herein.

Section 1.3: Application of Regulations

1.3

- a. No subdivision plat shall be recorded until a final plat, accurately describing the property to be conveyed, has been approved in accordance with this Ordinance and with other applicable City regulations (described in Subsection 1.3(b.) below). No building permit, certificate of occupancy, plumbing permit, electrical permit, flood plain permit, utility tap, or certificate of acceptance for required public improvements shall be issued by the City for any parcel of land or plat until:
 - 1. A final plat has been approved in accordance with this Ordinance; and
 - 2. All improvements required by this Ordinance have been constructed and accepted by the City of Pattison, Texas, or
 - 3. Assurances for completion of improvements have been provided in accordance with this

Ordinance.

b. Compliance with all City ordinances pertaining to the subdivision of land, and the Comprehensive Plan, shall be required prior to approval of any development application governed by this Ordinance. It is the property owner's responsibility to be familiar with, and to comply with, City ordinances. Applicable ordinances and requirements include, but are not limited to, the following:

1. Comprehensive Plan, which includes the Future Land Use Plan, and all other associated maps and plans now existing or as may be hereafter adopted;
2. Building Codes;
3. Flood Damage Prevention Ordinance;
4. Construction Ordinance;
5. Fire Prevention Code;
6. Other Applicable City Ordinances.

Section 1.4: Jurisdiction

1.4 The provisions of this Ordinance shall apply to the following forms of land subdivision and development activity within the City's limits and its extraterritorial jurisdiction:

- a. The division of land into two or more tracts, lots, sites or parcels; or
- b. All subdivisions of land whether by metes and bounds division or by plat, which were outside the jurisdiction of the City's subdivision regulations in Waller County, Texas and which subsequently came within the jurisdiction of the City's subdivision regulations through:
 1. Annexation; or
 2. Extension of the City's extraterritorial jurisdiction; or
- c. The combining of two or more contiguous tracts, lots, sites or parcels for the purpose of creating one or more legal lots in order to achieve a more developable site, except as otherwise provided herein; or
- d. When a building permit is required for the following uses:
 1. Residential single-family:

(a) Construction of a new single-family dwelling unit; or

(b) Moving of a primary structure or a main building onto a piece of property; or

2. Nonresidential and multi-family:

(a) Construction of a new nonresidential or multi-family structure; or

(b) Additions, such as increasing the square footage of an existing building by more than twenty percent [20%] of its gross floor area; or

(c) Moving a primary structure onto a piece of property; or

e. For tracts where any public improvements are proposed; or

f. Whenever a property owner proposes to divide land lying within the City or its extraterritorial jurisdiction into two or more tracts, and claims exemption from Subchapter A of Chapter 212 of the Texas Local Government Code for purposes of development, he shall first obtain approval of a development plat that meets the requirements of Texas Local Government Code Chapter 212, Subchapter B, Regulation of Property Development, Sections 212.041 through 212.050, as may be amended.

II.

SUBDIVISION DESIGN STANDARDS

Section 2.1: Streets

2.1

a. The arrangement, character, extent, width, grade and location of all streets shall conform to the City of Pattison, Texas's Transportation Plan now existing or hereafter adopted, and shall be considered in their relation to existing and planned streets or driveways (whether within the City of Pattison, Texas, within its ETJ area, or within adjacent municipal or County areas), to topographical conditions, to public safety, and in their appropriate relation to the proposed uses of the land to be served by such streets. Reserve or residual strips of land controlling access to or egress from other property, or to or from any street or alley, or having the effect of restricting or damaging the adjoining property for subdivision purposes, or which will not be taxable or accessible for improvements shall not be permitted in any subdivision unless such are required by the City in the public interest (such as to enhance public safety or other public interest). All streets shall be constructed in accordance with this Ordinance.

b. Proposed streets shall provide a safe, convenient and functional system for vehicular and

pedestrian circulation, shall be properly related to the City's Master Plan and any amendments thereto, and shall be appropriate for the particular traffic characteristics of each proposed subdivision or development. All streets shall be open and unobstructed at all times. The layout of the street network shall, to the greatest extent possible, be sited and aligned along natural contour lines, and shall minimize the amount of cut and fill on slopes in order to minimize the amount of land area that is disturbed during construction, thereby helping to reduce storm water runoff and preserve natural, scenic characteristics of the land.

III.

Any person violating any of the provisions of this Ordinance shall be guilty of a misdemeanor and shall be fined not more than \$1,000.00 upon conviction of such violation; provided however if such person convicted of an offense under this ordinance which offense is also a violation of the penal laws of the State of Texas, such person shall be subject to the penal laws of the State of Texas for the offense.

IV.

This Ordinance shall take effect from and after the date of its passage, and all Ordinance or portion of Ordinances heretofore passed in conflict with the terms hereof are specifically repealed.

V.

If any provision, section, subsection, sentence, clause, phrase of this Ordinance, or the application of same to any person or set of circumstances is for any reason held to be unconstitutional, void, or invalid, the validity of the remaining portions of this Ordinance or the application to other persons or sets of circumstances shall not be affected thereby, it being the intent of the City Council in adopting this Ordinance that no portion thereof or provision, or regulation contained herein, shall become inoperative or fail by reason of any unconstitutionality of any other portion hereof and all provisions of this Ordinance are declared to be severable for that purpose.

VI.

The City Secretary is instructed to post and publish notice of this Ordinance as required by law, by publishing only the descriptive caption.

PASSED, APPROVED, AND ADOPTED this 13th, September 2005

CITY OF PATTISON

By: Bill Matthews

BILL MATTHEWS
Mayor

ATTEST:

Lynda Fairchild
LYNDA FAIRCHILD, City Secretary

ALDERMEN VOTING:

KATHRYN WILSON	<u>Yes</u>
PAT BUFKIN	<u>Yes</u>
LARRY SABRSULA	<u>Yes</u>
ELAINE LUCAS	<u>Yes</u>
CARRI UDEMI	<u>Yes</u>